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ABSTRACT

As law enforcement officers, you, more than anyone else in the society, represent the power and quality of the State, because many citizens learn what kind of country this is by watching you. Your action and direction bridge the gap between the government and the individual and hence your role has a wide scope and your functions are not easily defined. Similarly, your actions, more so than those of any other groups in the country, build, or at times unfortunately destroy, a basic trust in our system of law and government. Stressing the wider aspect of the law enforcement profession, however, does not mean to ignore the pressing nature of your central duties to prevent crime by emphasizing the swiftness and certainty of punishment. It is important for the Department of Justice, with your assistance, to establish a tone of fairness in law enforcement, so that many Americans will no longer believe that the law is being enforced for the sake of the people who created it rather than for the sake of the social good. By your conduct and skill--and hopefully in part by virtue of what you have learned at the FBI academy--I am sure you will show the people of America that they may trust in the law and in you. (Author)

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Department of Justice

MAR 28 1975

ADDRESS

BY

THE HONORABLE EDWARD H. LEVI
ATTORNEY GENERAL OF THE UNITED STATES

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION
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BEFORE

THE 100th GRADUATING CLASS

OF THE

FBI NATIONAL ACADEMY

10:30 A.M.
THURSDAY, MARCH 20, 1975
FBI NATIONAL ACADEMY
QUANTICO, VIRGINIA

CE 004076

It is good to be with you on the occasion of your graduation from the Federal Bureau of Investigation's National Academy. The Department of Justice is proud of this educational institution and proud of the people it has helped to train. We are proud of you.

Graduation ceremonies are not new to me. Until seven weeks ago, I was in a position at the University of Chicago to attend them quite regularly. It is characteristic of American life -- and one of the fine things about us -- that we have accepted the challenge of the complexities of modern existence by seeking more professional and more understanding ways to handle our problems. Continuing education, lifelong if possible, is a necessary ingredient. So there are many graduation ceremonies all over the country. You have taken part in such ceremonies before, and many of you will do so again. Yet each such ceremony is important and special. Each one represents work completed. Each one looks toward the future when what you have gained will be tested. Each one is a personal achievement. I congratulate you.

I am acutely conscious that the last thing you need now is another speech. I do not intend to lecture you. In view of your unusual qualifications and the important roles you play, I do want to talk with you about some of the problems we face together in enforcing the law and administering justice. These are matters of the greatest importance to the well-being of our society and to the freedom and protection of individuals.

I will begin by discussing the wide-ranging and important functions of the police in our society. Then I will go on to talk about your specific criminal investigative functions and the significance of these functions in preventing future criminal acts. Finally, I will try to describe the subtle way in which almost everything you do influences the extent to which Americans obey the laws.

As law enforcement officials, you, more than anyone else, represent the power and quality of the state. You hold a unique and difficult position of enormous responsibility to our society. It is by watching you that many of our citizens learn what kind of a country this is. They learn what laws are to be enforced, what determination we have, what kindnesses and decencies we honor as a people. As government has grown larger -- both at the state and federal level -- as rules and regulations have grown more complicated, as rights and duties have proliferated, the government has come to be seen as an increasingly impersonal and remote force. Your action and direction bridge the gap between the government and the individual. By your conduct you represent the government as it affects people in their daily lives. Yours is a close relationship with the average citizen. And, I might add, where law enforcement is concerned, we are all average citizens because the law must act with a sense of fundamental equality.

Because you serve as the clearest intermediary between the government and the society, your role has a wide scope and your functions are not easily defined. Studies have shown that many policemen spend most of their working time on things other than crime control. One researcher found that only 17% of police service calls and responses in one major city related to crime. Detailed studies of another large city showed that police spent about two-thirds of their effort on social service and administrative work. I realize this kind of data might suggest there is something wrong with the way police and investigatory work is organized. I can imagine a flock of management control buzzards descending upon your profession to reorganize it, to narrow its objectives. But I venture to suggest the wider scope of the police functions not only reflects the fact that someone must perform the range of essential tasks police now perform, but it also reflects the judgment that these tasks are inherent and important to the intermediary and symbolic role of law enforcement. When people know that the purpose of police is to be helpful and to make the society work better for the individual, when people know that rules are to be guides and not traps, a trust arises within them that is very important. If it is any comfort to you, let me remind you that this wider aspect to an occupation is characteristic of most professions.

Indeed, I am inclined to believe that the more important a profession is, the broader will be the field of duty surrounding its core of technical functions. In any event, that is most surely an attribute of the three learned professions of law, medicine, and the ministry. Persons in those professions spend great amounts of time on matters far beyond the technical structure of their discipline. Most of what they do is to deal with people and to try to be helpful to them. So it is also with the police. What you do reaches the vast numbers of Americans who will never see the criminal justice system first hand. When you act strictly as agents of the criminal justice system, the people with whom you deal will see in your conduct a mirror of the totality of government. Probably it is yours, as it is for no other groups in our country, to build or reinforce -- or at times unfortunately to destroy -- a basic trust in our system of law and government.

In stressing this wider aspect of your profession, I have not forgotten the pressing nature of your central duties. The simple fact is that the prevalence of crime and our inability to deal with it is an alarming aspect of modern life from which many unfortunate consequences flow. The rising rate of crime has been a serious problem for a long time. The 1973 figures for reported serious crimes were more than 157% higher than those for 1960.

FBI statistics for the first nine months of 1974 show another increase -- 16 per cent over the comparable period a year before. I know it is sometimes argued that these comparisons are inaccurate since the data depend upon the reporting of crimes and vary with changes in the willingness to report criminal acts. Where crime is more dispersed it may be more generally noticed. Thus, the crime rate in some places may seem to be increasing more rapidly than it truly is. However, there is not much comfort in this apology.

The increasing insecurity of people in the Nation's urban centers -- about their physical safety, about their ability to protect their property -- threatens society in insidious ways. A frightened people is more willing than a secure people to attack the very laws that protect it -- indeed to attack laws and constitutional provisions that offer our best hope of a free society. Terror also draws men inward and erodes the basic trust and easy informality among individuals upon which so many of the social institutions that sustain us are based. In a society that has valued its geographic and social mobility, fear draws up boundaries that impede us. Reducing crime to a much more acceptable level simply has to be a basic commitment to the American people so that they may be secure in their homes and neighborhoods no matter where those homes or neighborhoods may be. The idea that we can ignore some victims of crime is in the worst, not the best, part of the American tradition. We

should reject it out of hand. For many strange and conflicting reasons, sometimes because of misplaced kindness or indifference, we have been much too tolerant and much too indolent in our approach to the prevention of crime.

Perhaps we already know the ways to reduce the frequency of crime. Perhaps we simply lack the will to take some of the unpopular steps which may be required. I do believe in the concept of deterrence. The better we do the job of detecting crime and finding its perpetrators, the more likely others who think about committing crime may think twice and decide against it. The detection of crime and the identification of the criminal are only first steps. But everything else in the criminal justice process depends upon them.

For deterrence to be effective, punishment must be swift in coming. But the criminal justice system in the United States, as all of us recognize, has become slow and inefficient. Innocent people get lost in its labyrinth and the guilty -- especially as they gain practice in travelling in the maze -- make their way through it without punishment at all or with a punishment that in no way reflects the magnitude of their violation. The system relies too much on the aggressiveness of the victim to press charges. Witnesses are worn out before a case is heard. Swiftness in detection and in the ultimate resolution of the penalty is essential if the criminal justice system is to work. This does not mean that

we close our eyes to the causes of crime, but rather that we should not add yet another cause -- the sluggishness and resulting ineffectiveness of a criminal justice system which has lost the value of deterrence. Nor does it mean that penalties need be harsh and thus produce an atmosphere of unfairness.

As law enforcement officers you are only one part of the mechanism by which criminals are brought to punishment, and as such you cannot alone make the criminal justice system effective. You can, however, do your jobs informed by an understanding of the general problem that afflicts the system of which you are a part. You can set priorities for enforcement so that the criminal law can have its maximum deterrent effect. You can organize your departments to function effectively, and by emphasizing the importance of swiftness and certainty you will broadcast a message that the criminal justice system means to do its job well. We need that message. If that message is given, I believe other agencies and institutions in our society -- many of them within the government -- will cease to be apathetic and will begin to do their part.

The Department of Justice can try to help you and other agencies of the criminal justice system. For decades, the FBI has assisted states and localities in a number of important ways -- including operating the Academy you have just attended. The Drug Enforcement Administration is carrying out crucial work in an area of immense law enforcement and public concern. The Law Enforcement

Assistance Administration has provided substantial funding to state and local agencies and also has developed new programs and research efforts that have made a contribution. The proposed LEAA budget for Fiscal 1976 is about $770 million. But the relative size of that figure itself indicates something of the limitations of the federal government's role. The state and local criminal justice agencies spend a total of about $16 billion a year.

The Department of Justice, of course, can do more. It can work with the Congress, and it is doing so, for revisions in the federal criminal law. The Department is currently analyzing a massive revision of the entire criminal code which has already been introduced in Congress. It also has under discussion various legislative proposals -- and some of the Department's own -- concerning the control of handguns. The Department can cooperate with local and state agencies in many important ways.

Most important of all, the Department of Justice with your help can try to establish a tone of fairness in law enforcement. And that tone, difficult as it is to establish and maintain, may have subtle but exceedingly important effects on the enforcement of the law in general.

You leave here to enforce the laws at a time when the very nature of law and its enforcement have been called into question, both by an increasing fear of crime that no one has yet been able to stem and by a deep want of belief in the fairness with which law is enforced. As police officials, you will bear the burden of that fear and of that lack of faith more than anyone else.

You also will have more opportunity than anyone else to calm the fears and to restore the faith in American justice.

We must never forget one essential truth: Neither the law in general nor the criminal law in particular can be entirely enforced by the government. Ultimately, enforcement must spring from the faith of citizens. In a free society there are essential values which would be destroyed were law enforcement to depend entirely upon the force of arms. Another kind of force must operate. That force is the willing acceptance by an overwhelming proportion of our people of the law's demands. People must believe, if not in the wisdom of a particular law, at least in the fairness and honesty of the enforcement process. I am afraid that many Americans have come to believe that law is not evenly enforced, that the law is being used not for the sake of the social good but rather for the sake of the people who created it. I happen to believe that this kind of cynicism is wrong, but the fact is that it exists. And it has serious consequences for law enforcement in our system in which general belief in the law's fairness plays so important a role.

I don't believe it has been the rigor of enforcement that has caused people to lose faith in their laws. Rather it has been a failure to show in our actions as enforcers of the law an adherence to principle -- really an adherence to the ideal of justice itself -- a recognition that since laws exist for the common good, they must be enforced with fairness, evenhandedness, and a proper and common concern for each individual.

As I have said, your profession is the agency which brings the criminal justice system to the people it serves. Your presence, your conduct, your basic decency and concern can make a great difference in the public's perception of the fairness of law. By your gentleness, civility, and determination you can build or reinforce a basic trust in how our system of law operates. Another way of saying this, of course, is that you must have the discipline and proper goals of a profession which exists to serve society and to protect the individual. For if law can be enforced only when there is a belief in the law, your job as policemen and our job in the Department of Justice must be in large part to strengthen that belief and to see it is a faith well-founded.

What I have suggested to you about the subtle way in which all of our conduct shapes the adherence to law in this country should give us all pause. How much easier it would be to believe that specific new laws, amazing new technological devices, or vast expenditures of money would by themselves solve the crime problem in America. How much more difficult it is for us to realize that as enforcers of the law, everything we do has a deep and abiding effect. It is more difficult to worry about the whole range of our official conduct than to satisfy ourselves by drafting new statutes or buying new devices, but I believe it is also more sensible.

Your job as a profession is to cope with one of the greatest problems of our society. You stand where fear and cynicism now meet. But there is also a great trust waiting to be reawakened. By your conduct and skill -- and I hope in part by virtue of what you have learned at this Academy -- I am sure you will show the people of America that they may trust in the law and in you.

Thank you.